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Message Text

PAGE 01 THE HA 01426 271625 Z

44
ACTION L-03

INFO OCT-01 EUR-25 ADP-00 IO-12 HEW-08 CIAE-00 INR-09

NSAE-00 RSC-01 SCA-01 PRS-01 RSR-01 INRE-00 /062 W
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P 2716010" MAR 73
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC PRIORITY 975

UNCLAS THE HAGUE 1426

FOR L, AMBASSADOR KEARNEY FROM CAVERS

E. O. 11652: N/ A
TAGS: PFOR, US, HCPIL
SUBJECT: HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW:
CONVENTION ON LAW APPLICABLE TO MAINTENANCE

REF: THE HAGUE 1404

1. PRINCIPAL CHANGES SINCE MARCH 26 CABLE. ADULT AS WELL AS MINOR CREDITORS CAN NOW INVOKE LEX FORI IF NEITHER HABITUAL RESIDENCE NOR COMMON NATIONAL LAW LUIHORIZES MAINTENANCE IN INDIVIDUAL CASE. PROBABLY WOULD BE USED MOSTLY AT DEBTOR' S RESIDENCE. PROTECTION FROM COLLATERALS AND INLAWS NOW LEFT TO RESERVATION. SO TOO ARTICLE 2 OF MINORS CONVENTION AS EXTENDSISTO ADULTS.

2. STATE REFUSING TO RECOGNIZE DIVORCE OR SEPARATION MAY DISREGARD MAINTENANCE LAW APPLIED BY DIVORCE COURT. STATE BY RESERVATION MAY REFUSE TO APPLY TO LAW APPLIED TO DIVORCE ICEEX PARTE DIVORCE OR SEPARATION IF CASE OUTSIDE CREDITOR' S HABITUAL RESIDENCE, THUS LEAVING COURT FREE TO APPLY LAW OF ITS CHOICE.

3. PROPOSAL FOR COMMON NATIONAL LAW HAVING DIFFICULTIES. NOW WITH DRAFTING COMMITTEE WITH FAIR- TO- MIDDLING CHANCE OF QUALIFIED SUCCESS.

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PAGE 02 THE HA 01426 271625 Z

4. CONVENTION NOT VERY ATTRACTIVE, ESPECIALLY IN PERMITTING FORUM- SHOPPING BUT PROSQBLY RAISES FEW

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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CONSITITUTIONAL QUESTIONS, PARTICULARLY AS REGARDS
MINORS. HAVE SOME PREFERENCE FOR SIGNING,
PERHAPS IN STATEMENT PLACING EMPHASIS ON MINORS.
PLEASE ADVISE.
MIDDENDORF

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